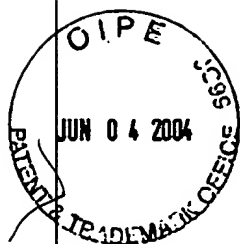


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AF/2172



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Choy)	Art Unit: 2172
)	
Serial No.: 09/614,369)	Examiner: Woo
)	
Filed: July 12, 2000)	AM9-99-0209
)	
For: SYSTEM AND METHOD FOR ENSURING)	May 31, 2004
REFERENTIAL INTEGRITY FOR)	750 B STREET, Suite 3120
HETEROGENEOUSLY SCOPED REFERENCES IN)	San Diego, CA 92101
AN INFORMATION MANAGEMENT SYSTEM)	

SUPPLEMENTAL APPEAL BRIEF

RECEIVED

JUN 07 2004

Technology Center 2100

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated May 3, 2004, the appeal is reinstated. The relevant contents of the original Appeal Brief and first Supplemental Appeal Brief are incorporated herein.

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App.A Appealed Claims

(1) Real Party in Interest

See original Appeal Brief.

(2) Related Appeals/Interferences

See original Appeal Brief.

(3) Status of Claims

See original Appeal Brief.

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Invention

See original Appeal Brief.

(6) Issues

(a) Whether Claims 1-4 are unpatentable under 35 U.S.C. §103 as being obvious in light of Isip, Jr. in view of Carhart et al.

(b) Whether Claims 5-10 are unpatentable under 35 U.S.C. §103 as being obvious in light of Isip, Jr. in view of Carhart et al.

(c) Whether Claims 11, 13, and 14 are unpatentable under 35 U.S.C. §103 as being obvious in light of Carhart et al.

(d) Whether Claim 12 is unpatentable under 35 U.S.C. §103 as being obvious in light of Carhart et al. in view of Hoover et al.

(7) Grouping of Claims

Owing to the different bases for rejection, Claims 1-10 must be grouped apart from Claims 11, 13, and 14 which must be grouped apart from Claim 12. Furthermore, as to Claims 1-10, it is believed that Claims 1-4 ought to be considered separately from Claims 5-10 owing to the unusual circumstances of this

case, namely, that an SPE has firmly expressed her belief that apart from the merits of Appellant's argument regarding Claim 1, Claims 5 and 11 certainly are patentable. Although her express wish to be kept in the loop in this examination to ensure adequate if belated supervisory attention has been ignored, it is believed that it is only fair that the Board separately consider Claim 5 from Claim 1 if for no other reason than to give countenance to her well considered efforts.

Furthermore, Claim 5 requires a heterogenous link table, a data structure nowhere mentioned in either reference.

(8a) Argument

It is time to end the prosecution of this application. A first appeal from a rejection based on a first set of references led to reopened prosecution, rejecting the claims using a second set of references. A Supplemental Brief was filed in response, which, instead of being answered, precipitated another reopening of prosecution based on yet a third set of references. No claims were amended between application of the first through third sets of references. The examiner simply keeps jumping around the prior art rather frantically attempting to avoid an allowance at any cost.

Recognizing the egregiousness of the present examination, a telephone conference was held with the Group Director, Ms. Focarino, and the Supervisory Primary Examiner, Ms. Vu, formerly in charge of this art unit. Ms. Focarino has agreed that reopening prosecution twice in succession on new Section 103 grounds for rejection, both of which were different than the references used for the original final rejection, was "unusual"; Ms. Vu was apparently tasked with following up. She did so by agreeing that independent claims 5 and 11 appear to be patentable over the latest batch of references being applied, and asked that remarks

about the patentability of Claim 1 formerly made informally now be made of record, and that she be kept in the loop on any subsequent action by the examiner.

This is not what has happened. Ms. Vu evidently is no longer involved, her opinions regarding patentability have evidently been ignored, and this appeal brief - the third one filed so far in this application - consequently has been necessitated. It is hoped that someone with supervisory authority will do one of two things at the appeal conference, namely, either direct the Examiner to answer this brief and send the case to the Board, or allow the application to issue.

In looking at the rejection of claim 1, it is unclear that the combination of Carhart with Isip would result in Claim 1, much less that the combination is suggested. As the examiner notes, Isip is directed to a software layer (the "Check utility") that ensures referential integrity of homogenous links in a RDBMS, but not heterogenous links as claimed. Carhart is used for searching heterogenous RDBMS, but Carhart has nothing to do with referential integrity - doesn't even mention it, or the word "constraint", or the phrase "heterogenous link". So, (1) combining Carhart with Isip would still result in Isip's homogenous link-only referential constraint checking, with the added utility of Carhart's search capability over several heterogenous RDBMS, but there wouldn't be any referential constraint checking for heterogenous links since neither reference has it; and (2) there appears to be no reason in Isip to use a search reference like Carhart, nor does there appear to be a reason in Carhart to incorporate it in a reference like Isip which evidently has little or nothing to do with searching over multiple RDBMS.

Thus, the problem with the proffered reason in the Office Action to combine the two references is laid bare. Specifically, the proffered reason to combine Carhart with Isip - to "provide referential integrity for heterogenous links, [since] in order to manage..heterogenous databases, database tables should be linked

together...as if data came from a homogenous database" is (1) without the requisite prior art citation of support, and as importantly, (2) assumes that the combination of Carhart with Isip in fact would provide referential integrity for heterogenous links, when in fact as shown above *it would not*. A rejection based on a technical misunderstanding of the teachings of the references and moreover ungrounded from the legal requirements for properly making a *prima facie* case of obviousness cannot stand.

In responding to these arguments, in a run-on and somewhat incomprehensible sentence the examiner concludes that Carhart's databases must be linked together, but is silent as to where Carhart mentions anything about referential integrity. Undeterred by his failure to address Appellant's above point in any logically recognizable fashion, in a breathtaking non-sequitur the examiner leaps to the still-unsupported conclusion that the combination of references teaches the claims. Nowhere has Appellant's point been rebutted that the proposed combination would not result in the present claims and that there is no *prior art* reason to combine the references in the first place.

More troubling is the late hour allegation that "all popular relational database management" systems provide referential integrity. No specific publications, much less dates, have been made of record. No allegation has been made much less evidence adduced of record that these systems in any way provide the particular referential integrity claimed. No indication has been given about just what relevance, if any, to the other asserted references this statement bears. The alleged systems have not been used as part of the rejection to begin with. Supervisory attention continues to be urgently required in this application.

(8b)

With respect to Claim 5, Appellant agrees with the former SPE's conclusion that apart from the above arguments, which are fully incorporated in this section, Claim 5 is patentable.

(8c)

The allegation is unhinged that while Carhart et al. fails to disclose a heterogeneously scoped link that does not result in pointing to no tuple, the fact that Carhart teaches a query that does not return a NULL linking field means that somehow the two are the same thing. There are many ways to satisfy Carhart et al. without doing what Claim 11 requires. The remainder of the rejection is difficult to understand. Perhaps supervisory personnel could express whatever point the examiner is trying to make as part of the Answer.

(8d)

Once again, the examiner proposes a modification of a first reference (in this case, Carhart et al.) using a second reference (Hoover) with a barely comprehensible rationale that in any case is not supported by the prior art. For some reason, the examiner evidently thinks that adding Hoover to Carhart improves Carhart's efficiency, but nowhere does Carhart suggest that it requires more efficiency and nowhere does Hoover mention that it applies to heterogenous database search systems. Absent a prior art suggestion to combine, the rejection falls.

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Serial No.: 09/614,369
May 31, 2004
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PATENT
Filed: July 12, 2000

Submitted,



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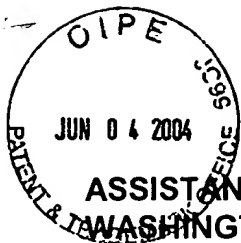
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Filed: July 12, 2000

APPENDIX A - CLAIMS

See original Appeal Brief.



ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Docket No. **AM9-99-0209**
(PATENT)

SIR:

Transmitted herewith for filing in the Application of: CHOY Serial No.: 09/614,369

Title: SYSTEM AND METHOD FOR ENSURING REFERENTIAL INTEGRITY FOR
HETEROGENEOUSLY SCOPED REFERENCES IN AN INFORMATION MANAGEMENT
SYSTEM

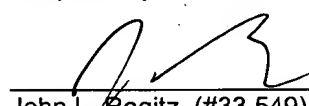
are the following:

- ☐ sheets of formal drawings
- ☐ Amendment
- ☐ Amendment after Final Rejection
- ☐ Response to Restriction Requirement
- ☐ Letter to Drawing Review Branch
- ☐ Certificate of Correction
- ☒ Acknowledgment postcard

- ☐ Basic Filing Fee(\$740)
- ☐ Information Disclosure Statement
- ☐ Declaration and Power of Attorney
- ☐ Assignment of the Invention(\$40)
- ☐ Recordation Form Cover Sheet
- ☐ Notice to File Missing Parts(\$130)
- ☐ Petition for Extension of Time(\$110)
- ☐ Issue Fee(\$1,280)
- ☐ Notice of Appeal(\$320)
- ☒ Supplemental Appeal Brief in triplicate

The fees for the Notice of Appeal and Appeal Brief were paid by Applicant previously, therefore no fees are enclosed.

Respectfully submitted,



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JUN 07 2004

Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on JUNE 2, 2004

Person mailing paper/fee: Jeanne Gahagan

Signature